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19
20 UNITED STATES DISTRICT COURT
21 CENTRAL DISTRICT OF CALIFORNIA

22 CHARMAINE CHUA, ET AL.

23 CASE No: 2:16-cv-00237-JAK-GJS(x)
24 [HON. JOHN A. KRONSTADT]

25 PLAINTIFFS,

26
27 DECLARATION OF CAROL A. SOBEL
28 IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

29 CITY OF LOS ANGELES, ET AL.,

30 HEARING DATE: SEPTEMBER 9, 2019
31 HEARING TIME: 8:30 A.M.
32 COURTROOM: 10B

33 DEFENDANTS.

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DECLARATION OF CAROL A. SOBEL

I, CAROL A. SOBEL, declare:

1. I am an attorney admitted to practice before the California Supreme Court and the United States District Court for the Central District of California. I am an attorney for the plaintiffs in this case and one of three counsel approved by the Court to serve as class counsel (“Class Counsel”). I have personal knowledge of the facts set forth below and, if called to testify to them, would do so competently.

The Organization of the Legal Team and Distribution of Assignments

2. Three primary law firms represented the plaintiff class in this action: Kaye, McLane, Bednarski & Litt; Schonbrun, Seplow, Harris & Hoffman; and Law Office of Carol A. Sobel. In addition, four solo practitioners served as counsel in the case. A total of nine lawyers, two law clerks, multiple law students and one undergraduate incurred time over the course of five years in this litigation. Each firm representing Plaintiffs made unique contributions.

3. Because of the number of lawyers involved, at the start of the case Class Counsel took steps to ensure that the case would be litigated efficiently and there would not be unnecessary duplication. The assignment of tasks was based on Class Counsel's evaluation of what was needed for a specific task and who had the relevant expertise, or could do the task most efficiently.

4. We discussed at the outset the presence of less-experienced attorneys at hearings before the Court, as well as at depositions and mediations, to observe and gain experience. At the time, the Class Counsel notified all the other attorneys that they were welcome to attend; however, they could not bill for that time unless it was determined that their attendance was deemed necessary by Class Counsel.

5. In addition to limiting the number of attorneys who would bill for various events, Class Counsel assigned tasks to less-experienced attorneys where practical. So, for example, very little time was incurred by Class Counsel in propounding and responding to written discovery. The same was true for depositions. All of the class

1 representatives were defended at their deposition by lower-billing attorneys and the
2 deposition of Commander Smith was taken by Catherine Sweetser. The depositions
3 of the Chief of Police, the Incident Commander for the arrests and the PMK on LAPD
4 policies and practices were all taken by Class Counsel Paul Hoffman. The remaining
5 depositions of LAPD personnel were taken by lower billing attorneys. Rachel
6 Steinback and Monique Alarcon assisted in preparation for the depositions taken by
7 Paul Hoffman.

8 6. Mr. Litt had primary responsibility for substantive motions, including the
9 motion for class certification, class settlement and the motion for general damages.
10 As we have done in past large-scale protest cases, I also worked with Mr. Litt in
11 preparing these motions. To the extent possible, any research needed on specific
12 issues or to update previous research was done by less experienced attorneys.

13 7. Because Class Counsel's offices are widely dispersed - Pasadena, Santa
14 Monica, Redondo Beach - we deliberately kept in-person co-counsel meetings to a
15 minimal number. This avoided extensive hours incurred for travel. We also limited
16 the number of all-counsel team conference calls. Most of the decisions about
17 assignments of work were discussed and made by Class Counsel in telephone
18 conferences and by email and then communicated to other counsel in the case
19 assigned to do a specific task. For example, after the mediation efforts were
20 unsuccessful, only Class Counsel met at Mr. Litt's office to discuss trial preparation
21 and assignments for the other lawyers to prepare for trial.

22 **The Work Necessary to Reach Settlement**

23 **The criminal process**

24 8. Because this action arose from the mass arrest of demonstrators, it was
25 necessary to deal with the criminal citations and resolve those charges favorably in a
26 manner that did not bar a later civil rights action. Colleen Flynn and I, along with
27 another attorney from the National Lawyers Guild, have extensive experience working
28 with the Los Angeles City Attorney's office over several decades to resolve arrests of

1 demonstrators without prosecutions. We met the arrestees at the Criminal Courts
2 Building on their initial appearance dates. We also met at the Court, and subsequently
3 outside of court, with Charmaine Chua and other putative class members to gather
4 factual information necessary to file the tort claims and, ultimately, the Complaint.
5 Colleen Flynn is the primary attorney who billed for time on the criminal
6 representations. She represented many of the class members at City Attorney
7 hearings, which resolved the charges against them prior to filing in the criminal court.
8 Ms. Flynn and Matthew Strugar were the primary contact with class members and
9 billed for meetings with a larger group of arrestees as part of the pre-filing
10 investigation in preparation for filing this action.

11 **Discovery**

12 9. Reaching a settlement in this case required time-consuming work from
13 Plaintiffs' counsel. There was a considerable amount of discovery for several reasons.
14 First, on the date of the arrest of the certified class at 6th and Hope, the City did not
15 videotape the dispersal order or most of the events surrounding the incident and,
16 ultimately, the arrests. Consequently, the parties had to identify evidence from social
17 media posts and media reports, both written and video.

18 10. The initial discovery the City produced was a total of almost 4 GB of
19 material the City collected from public sources. It was delivered to Plaintiffs on 50
20 disks, along with Los Angeles Police Department documents and reports related to the
21 incidents underlying this action. While many of the video clips and social media
22 postings contained duplicative materials, they also had significant variances based on
23 the length of the video or audio clip, or the angle from which a particular recording
24 was made. In some instances, in the course of reviewing and analyzing these 4 GB
25 of discovery, Plaintiffs concluded that the materials produced by the City included
26 multiple versions of the same video resulting from editing done by Defendants.
27 Consequently, Plaintiffs had to go through all 4 GB of material produced by
28 Defendants, as well as all of the video and social media collected by Plaintiffs to

1 determine what was edited, how it was edited and, generally, to analyze and extract
2 materials to be used in case development, settlement and, potentially, trial.

3 11. In addition to the video and audio evidence, both sides took depositions
4 and responded to extensive discovery requests from the other side. The five named
5 Plaintiffs, including the class reps and organizational plaintiff, responded to written
6 interrogatories and requests for document production propounded to each of them by
7 each of the Defendants. The responsibility for propounding and preparing discovery
8 responses was primarily assigned to the lower level attorneys.

9 **The Number of Hours Claimed is Reasonable**

10 12. The number of hours claimed is reasonable, particularly in light of
11 Plaintiffs' voluntary billing judgment reductions, which include:

- 12 1) deducting all time (24 hours) for Fred Zelaya, an attorney who
13 previously worked at my office from October 2016 to the end of
14 2017;
- 15 2) only billing for a maximum of two attorneys at any court hearing,
16 status conference, or deposition;
- 17 3) limiting the number of in-person team meetings and team
18 conference calls where counsel worked on strategy, dividing up
19 labor and assignments;
- 20 4) eliminating all student time other than Monique Alarcon, who also
21 billed as an attorney after admission to the Bar.

22 13. Law student externs in my office did the initial collection of social media
23 posts and other publicly available information concerning the protests. They also
24 reviewed the discovery produced by the City, including the videos and social media,
25 to try to identify duplicates that could be eliminated. Ultimately, Monique Alarcon
26 was assigned to consolidate and supervise organization of this discovery. As noted
27 previously, many of the videos captured the same incidents but from different camera
28 angles, or lengths of time. These differences in viewpoint and time were often critical

1 to finding evidence to support a particular issue, such as the audibility of the dispersal
2 order. Since the validity of the dispersal order was a key element in liability,
3 including the directions provided to the plaintiff class about compliance with the
4 dispersal order, a careful review of this evidence was critical to counter
5 representations by Defendants that they had provided an adequate dispersal order and
6 conformed to the law and department policy.

7 14. There were some significant discovery disputes and Plaintiffs initiated
8 the process for a motion to compel before the matter was resolved. There was also a
9 change in attorneys for the City midway through the litigation, which resulted in a
10 more cooperative relationship between the parties and helped resolve the discovery
11 disputes.

12 15. The parties participated in two settlement meetings with Magistrate Judge
13 Gandhi: one in Orange County before he entered private mediation, and one at JAMS
14 in Los Angeles after Judge Gandhi left the bench. In addition, the parties had
15 telephonic exchanges with Judge Gandhi in further attempts to reach a settlement.

16 16. When the City notified Plaintiffs that it was no longer interested in
17 discussing a potential settlement, Plaintiffs began preparing for trial. The first task was
18 the disclosure of expert witnesses. Class Counsel had responsibility for this task.
19 Paul Hoffman had initial responsibility for identifying and contacting a sound expert
20 who could testify to the audibility of the dispersal order. This was key because the
21 validity of the arrest depended upon compliance with state law requiring notice of an
22 unlawful assembly and an opportunity to leave prior to arrest. I had responsibility for
23 identifying and contacting a police practices expert who could testify to the tactical
24 procedures used at both 6th and Hope and Beverly and Alvarado, where Plaintiff Kyle
25 Todd was detained. For both of these experts, but particularly the sound expert,
26 considerable time was spent responding to their requests for various evidence in the
27 case. The sound expert reconstructed the scene and conducted audibility tests at the
28 location where the dispersal order was purportedly given.

1 17. At the same time, because both the Court and Defendants raised issues
2 about the availability of general damages for the class members, Plaintiffs filed a
3 Motion for General Damages, which was prepared by Mr. Litt. Plaintiffs also
4 retained a third expert, Michael Avery, to assist on the issue of damages. The
5 outcome of the motion would be significant on the presentation of testimony and non-
6 testimonial evidence on damages at trial.

7 **The Incentive Awards to the Class Representatives**

8 18. Plaintiffs propose an incentive award of \$5,000 for each of the class
9 representatives for the certified class at 6th & Hope, and for Kyle Todd, who
10 represented the uncertified class at Beverly & Alvarado. In this instance, each was
11 required to commit considerable time to developing and prosecuting the case with
12 counsel. Each of the individual named plaintiffs engaged in multiple telephone calls,
13 meetings and emails with counsel to develop the facts for the complaint. Each also
14 had multiple discussions with Class Counsel to assist with the preparation of the class
15 certification motion and submitted a declaration in support of the motion for
16 certification of the class.

17 19. In addition, each named Plaintiff was deposed and each responded to
18 written discovery in this case. All of the Defendants, including the City of Los
19 Angeles, served each named Plaintiff with Requests for Production and
20 Interrogatories. That required them to consult with counsel about, and respond to,
21 requests to collect various documents and.

22 20. During the preparation of the Rule 26 expert reports, the individual
23 Plaintiffs assisted in responding to questions from several of the experts about the
24 audibility of dispersal orders and the actions of the police leading up to the arrests at
25 6th & Hope and the detention at Beverly & Alvarado. Although the Court did not
26 certify the class for Beverly & Alvarado, Kyle Todd participated in the conduct of this
27 litigation to the same extent as the class representatives for 6th & Hope because the
28 challenged policies applied to the detentions at Beverly & Alvarado were central to

1 Plaintiffs' case and, in particular, through their expert report reinforced the
2 deficiencies in the City policies for responding to large-scale protests.

3 21. In addition, the named Plaintiffs maintained contact with class members.
4 Beginning with the first discussion with Class Counsel at the first appearance at
5 Criminal Court, Ms. Chua, in particular, assumed responsibility for maintaining
6 contact with potential class members. In that role, the named plaintiffs disseminated
7 periodic updates on the case that were provided to them by Class Counsel and
8 maintained ongoing connections with putative class members. Because of the time
9 that they have spent to maintain contact information, Class Counsel expects that they
10 will be able to have an exceptionally high rate of participation in the settlement at less
11 expense because a significant percentage of outreach to putative class members can
12 be done through the contact information maintained by the class representatives.

13 22. I should have instructed the individual named Plaintiffs to keep track of
14 the time they expended in their role as required in the Court's Standing Order. I did
15 not do so. I have reconstructed the time they expended based on my interactions with
16 them over the course of this litigation, my review of the time records of all counsel for
17 their interactions with the named Plaintiffs, as well as my review of the materials the
18 individual Plaintiffs provided to prepare discovery responses and the time for
19 deposition preparation and deposition, I would estimate that each spent approximately
20 50 hours in their role as class representatives to date. This is a somewhat low estimate
21 of the total hours the class representatives have contributed to this case to date. I
22 anticipate that they will spend considerable additional time assisting my office in
23 disseminating the notice of a settlement to putative class members and encouraging
24 individuals to respond.

25 **The Categorization of Tasks Pursuant to the Court's Standing Order**

26 23. Pursuant to Exhibit G of the Court's Standing Order, revised 3/25/19,
27 Class Counsel established 17 categories of "tasks" and had each attorney assign the
28 number corresponding to that task to each entry in their EXCEL time sheet. In some

1 instances, the work performed fell into more than one category. Rather than applying
2 some artificial time allocation to the work, and to avoid any instance of double billing,
3 all entries were assigned to what was determined to be the primary task category. For
4 example, if the entry involved email or a telephone conference concerning a specific
5 motion, such as Class Certification, the entry was assigned to "Task 6," the Class
6 Certification Motion, and not "Task 15," "Co-counsel meetings."

7 24. The following categories were assigned:

- 8 Task 1 - Pre-filing investigation
- 9 Task 2 - Pre-filing research
- 10 Task 3 - Criminal representation
- 11 Task 4 - Drafting Complaint/Amended Complaint
- 12 Task 5 - Rule 26/Scheduling
- 13 Task 6 - Class Certification Motion
- 14 Task 7 - Discovery Preparation and Analysis
- 15 Task 8 - Depositions
- 16 Task 9 - Trial Preparation
- 17 Task 10 - Motion for General Damages; Research
- 18 Task 11 - Miscellaneous Case Management
- 19 Task 12 - Mediation/Settlement
- 20 Task 13 - Settlement Negotiations/Agreement
- 21 Task 14 - Motion for Fees and Costs
- 22 Task 15 - Co-counsel Meetings: In-Person and Telephonic
- 23 Task 16 - Post-filing Legal Research
- 24 Task 17 - Client Communications

25 25. In the exercise of billing judgment, I reviewed the time records for each
26 person for whom fees are sought. My purpose was to ensure that each biller
27 maintained their time records in six minute increments, that no attorney billed for
28 paralegal or clerical tasks, and also to remove any improper, unnecessarily duplicative
or excessive hours. I estimate that more than 300 hours were deducted in total. This
includes all time (24 hours) for document review by Fred Zelaya, previously an
attorney in my office; all time (138 hours) for research and drafting a litigation memo
by Brett Davidson, an undergraduate at Yale who worked in my office in the summer

1 of 2015; approximately 95 hours by several law students in my office in the summer
2 of 2017 who did some of the initial document review in the case; and, all time by Paul
3 Hoffman's law students, who did the original draft complaint. In my review, I
4 concluded that most of the work done by these individuals was duplicated after their
5 departure.

6 26. Specifically, as the case developed, Monique Alarcon and Weston
7 Rowland, both law clerks in my office, engaged in extensive review and organization
8 of the discovery produced by the City to make it more useful and accessible as the
9 case proceeded. Some degree of necessary duplication would be compensable,
10 including the need to refresh familiarity with the evidence and gain familiarity when
11 there is a change in personnel as the case continues over several years, as here.
12 *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008). "It is only where
13 the lawyer does unnecessarily duplicative work that the court may legitimately cut the
14 hours." *Id.* at 1113.

15 27. In addition to deducting all time described in the preceding paragraph,
16 I eliminated more than 40 hours for attendance and travel time at the two mediation
17 sessions, the depositions of Chief Beck and Captain Bert, and the Court's hearing on
18 the class certification motion. As stated in paragraph 10, above, no more than two
19 attorneys were billed for any court hearing or deposition with the exception of the
20 depositions of the Chief of Police and the Incident Commander who directed the
21 detention and arrests, who was also later designated as the PMK. For those
22 depositions, Plaintiffs also billed an additional lawyer who had responsibility for
23 preparing materials for Mr. Hoffman's review and preparation for these depositions.
24 The same is true for the mediations with Magistrate Judge Gandhi. Although almost
25 every attorney attended the mediations, Plaintiffs seek compensation only for Class
26 Counsel and Monique Alarcon, who had responsibility for organizing the discovery
27 and was most familiar with the evidence. She was able to identify video and other
28 evidence requested by Mag. Judge Gandhi in the course of the mediations.

1 **The Requested Rates are Reasonable:**

2 28. In consultation with Mr. Litt, I determined the reasonable rate for each
3 of the attorneys, the law student and law graduate for whom compensation is sought
4 by this motion. I have extensive experience assessing reasonable market rates for
5 civil rights and public interest lawyers who do not customarily bill their clients.

6 29. My declarations in support of fee applications have been cited repeatedly
7 as evidence of reasonable market rates throughout California. For example, in
8 *Nadarajah v. Holder*, 569 F.3d 906, 912-914 (9th Cir. 2009), the Ninth Circuit
9 referenced my declaration with approval in support of the rates for ACLU attorneys
10 under the Equal Access to Justice Act (“EAJA”). In *Torrance Unified School District*
11 *v. Magee*, 2008 U.S. Dist. LEXIS 95074 (CD CA 2008), granting fees pursuant to the
12 federal IDEA statute, 20 U.S.C. §1415(i)(3)(c), the Court cited to my declaration as
13 persuasive evidence of rates. In *Atkins v. Miller*, CV 01-01574 DDP (CD CA 2007),
14 this Court awarded fees to a 1975 graduate at \$675 an hour, specifically citing to my
15 declaration and that of Barry Litt to support the rate. *Id.* at pp. 8-9 and n.4.
16 Additional cases in which my declarations have been cited favorably include, among
17 others, *Charlebois v. Angels Baseball LP*, SACV 10-0853 DOC (May 30, 2012);
18 *Orantes-Hernandez v. Holder*, 713 F.Supp.2d 29, 963-964 (C.D.Cal.2010); *Hiken v.*
19 *DOD*, 2013 U.S. Dist. LEXIS 118165 (N.D. Cal. Jan. 14, 2013), *Vasquez v.*
20 *Rackauckas*, 2011 U.S. Dist. LEXIS 83696 (C.D. Cal. 2011); *Rauda v. City of Los*
21 *Angeles*, 2010 U.S. Dist. LEXIS 138837 (C.D. Cal. 2010); *Jochimsen v. County*
22 *of Los Angeles, supra*; *Dugan v. County of Los Angeles*, cv-11-08145 CAS (C.D.
23 Cal. March 3, 2014); and *Flores v. City of Westminster*, SA-CV-11-0278 DOC
24 (C.D. Cal. Oct. 23, 2014). In *Jochimsen*, a unanimous court found me qualified
25 to opine on reasonable market rates.

26 30. In addition, I have litigated statutory fee issues at the appellate level
27 in several of my cases. Most notably, I was co-lead counsel and argued before the
28 California Supreme Court in *Tipton-Whittingham v. City of Los Angeles*, 34

1 Cal.4th 604 (2004), the companion case to *Graham v. Daimler-Chrysler*, 34
2 Cal.4th 533 (2004), establishing the continued vitality of the “catalyst” fee
3 doctrine in California courts. I was also lead counsel in *Jones v. City of Los*
4 *Angeles*, 555 Fed.Appx. 659 (2014), establishing entitlement to fees as a
5 “prevailing party” based on the Ninth Circuit’s necessary approval of a settlement
6 that was conditioned on vacatur of the panel decision.

7 31. The hourly rates Plaintiffs applied are within the range of fees that
8 comparably experienced public interest and civil rights attorneys in the Los
9 Angeles area for comparable work. *See also* Declaration of Barrett S. Litt, filed
10 concurrently herewith. The Supreme Court’s decision in *Blum v. Stenson*, 465
11 U.S. 886 (1984), and subsequent precedents authorize rates for public interest
12 attorneys that are equal to market rates for comparably skilled attorneys at private
13 commercial firms engaged in similarly complex federal litigation, the rates sought
14 here are the rates approved for public interest and civil rights lawyers and
15 generally are well below the rates approved for comparably skilled attorneys at
16 prestige law firms.

17 32. Although Plaintiffs applied these rates to calculate the lodestar, it is
18 significant that the total fee is very substantially discounted by the amount
19 available for fees and costs in the total settlement. Thus, even if the rates were
20 discounted by 20% or more, the amount of the fee awarded would still be
21 considerably less than that discounted lodestar.

22 33. As stated above, in consultation with Mr. Litt, I set the rate schedule
23 for all of the attorneys, law students, law graduates and paralegal seeking
24 compensation in this matter. We set the billing rates based on the historical rates
25 approved for several of the personnel, as well as by comparison to recent awards
26 for attorneys at several public-interest and civil rights firms. True and correct
27 copies of the fee awards and supporting declarations referenced are attached as
28 exhibits. Each exhibit has the ECF header or file stamp of the relevant court.

1 34. The personnel for whom compensation is sought are listed in the chart
2 below. The resumé for each attorney is attached at Exhibit 4. For each person,
3 the chart lists the firm where they work, their year of graduation from law school,
4 if applicable, the amount of experience they have now and the rate applied to
5 calculate the lodestar. The time for Monique Alarcon was calculated with two
6 different rates. Ms. Alarcon is now an associate at my office. She also incurred
7 time in this matter as a summer law clerk working with me in 2015. Her time is
8 divided into the work she performed as a law student and the work she performed
9 as a lawyer, with different billing rates applied for each.

10 Personnel	11 Firm	12 Graduation	13 Experience	14 Rate
11 Barrett S. Litt	12 KMBL	13 1969	14 50	15 \$1200
12 Paul L. Hoffman	13 SSHH	14 1976	15 43	16 \$1050
13 Carol A. Sobel	14 SSHH	15 1978	16 41	17 \$1000
14 Matthew Strugar	15 STRUGAR	16 2004	17 15	18 \$725
15 Colleen Flynn	16 FLYNN	17 2004	18 15	19 \$725
16 Catherine Sweetser	17 SSHH	18 2008	19 11	20 \$650
17 Rachel Steinback	18 STEINBACK	19 2008	20 11	21 \$650
18 Colleen Mullen	19 SSHH	20 2014	21 5	22 \$500
19 Monique Alarcon	20 LOCAS	21 2016	22 3	23 \$420
20 Monique Alarcon	21 LOCAS	22 law student	23 3L	24 \$200
21 Weston Rowland	22 LOCAS	23 law student	24 3L	25 \$200
22 Julia White	23 KMBL	24 sr. paralegal	25 30	26 \$360

21 35. Barrett Litt seeks \$1200 for his work on this case. He was approved
22 in 2017 at the historical rate of \$1,150 in *Nozzi v. Housing Authority of the City*
23 of Los Angeles, Case 2:07-cv-00380-PA-FFM (C.D. Cal. 2017) (Doc.323, p.4).
24 More recently, in *McKibben v. McMahon*, 2019 WL 1109683 (C.D. Ca. 2019),
25 Case No. EDCV 14-2171 JGB (Spx) Mr. Litt was approved at the 2018 rate of
26 \$1,150 an hour, just four percent below the 2019 rate he seeks. Ex. 2, p. 26. The
27 motion for attorney fees in *McKibben* was filed in 2018. *Id.*, p. 2.
28

1 36. Paul Hoffman seeks \$1,050 for his work on this case. In *McKibben*,
2 fees were approved at the 2018 rate of \$875 an hour for David McLane, identified
3 as a 1986 law graduate. Mr. Hoffman has 11 years more experience. His 2019
4 rate is \$175 an hour above Mr. McLane's approved 2018 rate, which averages out
5 to an hourly increase of \$17.50 annually. The rate Mr. Hoffman seeks is below
6 the 2015 rate of \$1100 an hour for attorney Paul Kiesel in *Stone v. Howard*
7 *Johnson*, Case No. 12-CV-01684 PSG (MANx), (C.D. Cal. 2015). The
8 Declaration of Matthew Young, setting out the requested rates in a motion for
9 final approval of a class action, is attached at Exhibit 2. The Court's Order
10 entering final approval of the settlement, including the motion for fees, is entered
11 on the Court's docket at Document 123.

12 37. I am personally familiar with Mr. Kiesel. He served as co-counsel with
13 me on a federal lawsuit against the Los Angeles Police Department in the mid-
14 90s. I am aware that Mr. Kiesel is a 1985 law graduate. Mr. Hoffman has 13
15 more years experience in 2019 than Mr. Kiesel had in 2015.

16 38. The rate of \$1,000 an hour was applied to calculate the lodestar for my
17 time. In May, I settled the attorney fees in *Mitchell v. City of Los Angeles*, Case
18 No. 2:16-cv-01750-SJO-JPR (C.D. Ca.), using this rate. Over the last few years,
19 I have resolved attorney fees in several matters applying rates of \$900 an hour up
20 to \$975. The last court-awarded fee I received was from the Ninth Circuit,
21 approving my 2014 rate of \$875 an hour in *CPR for Skid Row v. City of Los*
22 *Angeles*, 779 F.3d 1098 (9th Cir. 2015). The rate of \$1,000 an hour represents an
23 increase of slightly less than three percent annually from my last court-approved
24 rate in *CPR for Skid Row*. It is almost 10 percent below the 2015 rate approved
25 for Paul Kiesel in Exhibit 2.

26 39. Matthew Strugar seeks a rate of \$725 an hour. He was awarded fees in
27 2017 at the historical rate of \$700 an hour in *Mannings Beef v. Los Angeles Cow*
28 *Save*, LASC Case No. 651650 (08/12/17) (Hon. Barbara Meiers). In 2017 in

1 Nozzi, Stephanie Carroll, identified as a 2004 law graduate at Public Counsel, was
2 billed at \$730 an hour. In *McKibben*, the Court approved the rate of \$715 an hour
3 for Melissa Goodman of the ACLU, identified as a tenth-year attorney at the time.
4 Ex. 1, p.27. Finally, DRLC billed Mr. Strugar at \$660 an hour in 2017 in *Garcia*
5 *v. Los Angeles County Sheriff's Department*, Case No. 2:09-cv-08943 DMG SH.
6 Ex.3, ¶40.

7 39. Colleen Flynn also seeks a rate of \$725 an hour. She and Matthew
8 Strugar graduated law school the same year.

9 40. Catherine Sweetser seeks a rate of \$650 an hour. This is the same rate
10 Ms. Sweetser applied to the settlement of the attorney fees in *Mitchell v. City of*
11 *Los Angeles*, 2:16-cv-01750-SJO-JPR. In *Garcia*, DRLC billed Carly Munson,
12 identified as a 2006 law graduate then with 11 years of experience, at \$625 an
13 hour. Ex.3, p.18. The difference in Ms. Munson's 2017 rate and Ms. Sweetser's
14 2019 rate represents a modest increase of approximately 2 percent annually in the
15 base rate for an attorney with similar experience. In *McKibben*, the Court
16 approved the 2018 rate of \$600 an hour for Lindsay Battles, then with 10 years
17 experience. Ex. 2, p. 27.

18 41. Rachel Steinback also seeks a rate of \$650 an hour. She and Ms.
19 Sweetser graduated from law school the same year and have similar experience.

20 42. Colleen Mullen seeks a rate of \$500 an hour. In *Garcia*, DRLC billed
21 Elliot Field, identified as a 2009 law graduate, at the 2017 rate of \$525 an hour.
22 Ex.3, ¶¶ 48-49. In 2017, Mr. Field had two more years of experience than Ms.
23 Mullen has now. In *McKibben*, Brendan Hamme, a 2012 law graduate and now
24 staff attorney at the ACLU, was approved at the 2018 rate of \$480 an hour.

25 43. Monique Alarcon seeks a rate of \$420 an hour. As of June 1, she
26 began her fourth billing year. In *McKibben*, attorneys with four years of
27 experience were approved at the 2018 rate of \$390 an hour. Ex.2, p. 27.

1 44. Plaintiffs also seek compensation for Ms. Alarcon for time incurred
2 as a law student in my office in the summer of 2015, and for Weston Rowland, a
3 law student in my office in the summer of 2017. The rate sought is \$200 an hour.
4 In *Garcia*, law clerks at the Disability Rights Legal Center were billed at the 2017
5 rate of \$250 an hour. Ex. 3, ¶50. In *McKibben*, law clerks were approved at \$225
6 an hour. Ex. 2, p.27.

7 45. Plaintiffs also seek compensation at the rate of \$360 an hour for Julia
8 White, a Senior Paralegal at Kaye, McLane, Bednarski & Litt. Ms. White was
9 approved at the rate of \$335 an hour in 2017 in *McKibben v. McMahon*. Ex.2,
10 p.27.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 12th day of July, 2019 at Santa Monica, California.

Carol A. Sobel
CAROL A. SOBEL